IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICITON

FERA APPEAL NO.21 OF 2007

M/s.Gloman Label Manufacturing Co. * Others .. Appellants.

Versus

Union of India & Others .. Respondents.

Mr.M.M. Patel for the Appellants.

Mr.R.V. Desai, senior counsel with Mr.A.S.Rao, Mr.A.H. Bhatija, Mrs.S.V. Bharucha & Mr.Y.R. Mishra for the respondents.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 28TH SEPTEMBER, 2007.

P.C. :

1. The appellate authority, after considering the submissions on behalf of the appellants, reduced the amount of penalty as imposed by the adjudicating authority. This appeal is directed against the said reduction of penalty. The contention urged is that there was no default at all on the part of the appellants and consequently the penalty imposed is in excess of jurisdiction and liable to be set aside.

2. From the record, we find that admittedly the appellants did not have permission of R.B.I. Though there was some documents indicating that there was an application for extension, that by itself would

not result in holding that there was no contravention. Once there be a contravention, there was discretion in the adjudicating authority to impose penalty. The adjudicating authority imposed penalty considering the facts on record. The appellate authority considering the submissions as urged, has reduced the penalty.

3. Considering the discretion conferred and exercised, the questions of law as framed would not arise. Hence, the appeal is dismissed.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)